

SENATE No. 1837

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to reducing sporting event related violence.

PETITION OF:

NAME:

Steven A. Tolman

DISTRICT/ADDRESS:

Second Suffolk and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01027 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO REDUCING SPORTING EVENT RELATED VIOLENCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 *Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to
2 reduce sporting event related violence, therefore it is hereby declared to be an emergency law, necessary
3 for the immediate preservation of the public convenience.

4 SECTION 1. Whereas, The general court finds that: recent spontaneous gatherings of
5 large numbers of individuals celebrating the victories of professional sports teams have resulted
6 in widespread disorderly conduct, substantial destruction of public and private property by
7 vandalism and fire, and 2 tragic deaths; and Super Bowl XXXVIII, in which the New England
8 Patriots beat the Carolina Panthers in February 2004, such a crowd congregated in and around
9 Kenmore Square and created such mayhem that James D. Grabowski was killed by the driver of
10 a car that was surrounded by an unruly mob of frenzied fans pounding on the car; after Game 7
11 of the American League Championship Series in which the Boston Red Sox beat the New York
12 Yankees in October 2004, another such crowd congregated in and around Kenmore Square and
13 the Boston Police Department, with the lessons learned earlier in the year, sought to reign in the
14 chaos and prevent the perils of a mob's escalation after "revelers" vandalized property, assaulted

15 police officers and set fires; the Boston Police Department deployed less-than-lethal crowd
16 control measures, including pepper spray, to disperse the mob, which led to the tragic death of
17 Victoria Snelgrove; the destructive and fatal results of these spontaneous large-scale gatherings
18 result from a dangerous combination of inhibition-reducing alcohol consumption and the nearly
19 instant spread of the actions and mood of a few revelers, termed "contagion theory" by
20 sociologists, which intensifies the "mob mentality" in which people perceive an anonymity that
21 eradicates the individual's sense of personal responsibility for his actions; the instantaneous
22 transmission and imperiling reaction pursuant to contagion theory highlight the need for the law
23 enforcement community to act swiftly to quell disorderliness, violence and destruction, however
24 minor or mild it may appear to be to the "revelers" because a small act of destruction is
25 transmitted and amplified through the mob with instant and deadly results and; the tragic loss of
26 life demand that personal responsibility and consequential thinking override the violence of a
27 mob and the anonymity perceived therein, and the commonwealth ought to adopt laws of zero-
28 tolerance to reinforce and codify an elevation of community standards.

29 SECTION 2. Chapter 265 of the General Laws is hereby amended by adding the
30 following section:- Section 47. (a) Whoever, being present and is commanded to disperse by any
31 officer authorized to make an arrest or serve process and who is in his official uniform or
32 displaying his badge of office, from an area of an unlawful or unlicensed assembly of more than
33 50 people during the 2 hours preceding the official start of a professional sporting event or the 4
34 hours following the conclusion of such an event, and who refuses to so disperse shall be punished
35 by imprisonment for not less than 7 days in the house of correction for each violation of this
36 subsection. No sentence imposed under this subsection shall be for less than a mandatory
37 minimum term of imprisonment of 7 days. A fine of not less than \$2,000 may be imposed for

38 each violation of this subsection, but not in lieu of the mandatory minimum 30 days
39 imprisonment.

40 (b) Whoever, commits assault, assault and battery, malicious destruction of public or private
41 property, trespass or larceny or is a disorderly person at an unlawful or unlicensed assembly of
42 more than 50 people during the 2 hours preceding the official start of any professional sporting
43 event or the 4 hours following the conclusion of such an event shall be punished by
44 imprisonment in the house of correction for not less than 30 days for each violation of this
45 subsection. No sentence imposed under this subsection shall be for less than a mandatory
46 minimum term of imprisonment of 30 days. A fine of not less than \$2,000 may be imposed for
47 each violation of this subsection, but not in lieu of the mandatory minimum 30 days
48 imprisonment.